UNITED NATIONS

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ENGLISH ONLY*

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

BELIZE

Communicated by the Government of Belize

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

MISUSE OF DRUGS ACT, 1990

*Note by the Secretariat: The present document is a direct reproduction of the texts communicated to the Secretariat.

V.92-54877

MISUSE OF DRUGS ACT, 1990

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No. 22 of 1990

I assent,

(GEORGE N. BROWN)
Deputy Governor-General
12th November, 1990.

AN ACT to make new provisions with respect to dangerous or otherwise harmful drugs; to provide for the forfeiture of the proceeds of drug trafficking; to repeal the Dangerous Drugs Act, Chapter 87 of the Laws of Belize, 1980, and for matters connected therewith or incidental thereto.

(Gazetted 12th November, 1990.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:—

PART I
PRELIMINARY

1.—(1) This Act may be cited as the

Short title and commencement.

MISUSE OF DRUGS ACT, 1990

(2) This Act shall come into force on such date as the Minister may, by order published in the *Gazette*, appoint.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

(a) "the Council" means the National Drug Abuse Control Council established under this Act;

(b) "analyst" means the government analytical chemist, or any other person appointed as such for the purposes of this Act by the Minister by notice published in the *Gazette*;

(c) "chemist and druggist" means a person who is registered as such under the Chemists and Druggists Act;

CAP 244

(d) "court" means the Supreme Court or the Magistrate's Court, as the case may be;

(e) "cannabis" includes any part of the plant of the genus cannabis, any resin obtained from that plant and any product of which such resin forms a base;

(f) "cannabinol derivatives" means the following substances, except where contained in *cannabis* or cannabis resin, namely, tetrahydro derivatives of cannabinol and 3–alkyl homologues of cannabinol or of its tetrahydro derivatives;

(g) "coca leaf" means the leaf of any plant of the genus *Erythroxylon* from whose leaves cocaine can be extracted either directly or by chemical transformation;

(ga) "cocaine" means methylbenzoylecgonine of which the formula is $C_{17}H_{21}NO_4$ or methylbenzoylecgonine hydrochloride of which the

formula is C_{17} H_{21} NO_4 HC_1; and includes crack;

(h) "concentrate" of poppy-straw" means the material produced when poppy-straw has entered into a process for the concentration of its alkaloids;

(i) "contravention" includes failure to comply and "contravene" has a corresponding meaning;

(j) "controlled drug" has the meaning assigned by Section 4 of this Act;

(k) "corresponding law" means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside Belize to be a law providing for the control and regulation in that country of the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the government of that country and the government of Belize are for the time being parties; and a statement in any such certificate as aforesaid to the effect that any facts constitute an offence against the law mentioned in the certificate shall be ***prima facie*** evidence of the matters stated;

(l) "dentist" means the person whose name is registered in the Dentists Register under the Dentists Act; CAP. 248.

(m) "drug trafficking" means doing or being concerned in any of the following, whether in Belize or elsewhere—

(a) producing, supplying or otherwise dealing in any controlled drug in contravention of this Act or a corresponding law;

(b) transporting or storing a controlled drug where possession of that drug contravenes this Act or a corresponding law;

(c) importing or exporting a controlled drug in contravention of this Act or a corresponding law;

(d) entering into or being otherwise concerned in an arrangement whereby—

(i) the retention or control by or on behalf of another person of the other person's proceeds of drug trafficking is facilitated; or

(ii) the proceeds of drug trafficking by another person are used to secure that funds are placed at the other person's disposal or are used for the other person's benefit to acquire property by way of investment;

(n) "drug trafficking offence" means any of the following—

(a) an offence under Section 5 of this Act (importation and exportation of controlled drugs);

(b) an offence under Section 6(2) or (3) of this Act (production and supply of controlled drugs);

(c) an offence under Section 7(2) read with Section 7(4) of this Act (possession of certain controlled drugs in quantities of more than those specified in Section 7(4));

(d) an offence under Section 7(3) of this Act (possession for supply of controlled drugs);

(e) an offence under Section 8 of this Act (cultivation of certain drugs);

(f) an offence under Section 10 of this Act (being occupier of premises, to permit certain activities);

(g) an offence under Section 18 of this Act (assisting another to retain proceeds of drug trafficking);

(h) conspiracy to commit any of the offences in paragraphs *(a)* to *(g)* above;

(i) an offence of attempting to commit any of those offences;

(j) aiding, abetting, counselling or procuring the commission of any of those offences;

(o) "export", with its grammatical variations and cognate expressions, in relation to Belize, means to take or cause to be taken out of Belize by land, air or water;

(p) "forfeiture order" means an order made under Section 28 or 29;

(q) "import", with its grammatical variations and cognate expressions, in relation to Belize, means to bring or cause to be brought into Belize by land, air or water;

(r) "interest", in relation to property, includes right;

(s) "magistrate" has the same meaning as in the Inferior Courts Act; CAP. 77

(t) "medicinal opium" means raw opium which has undergone the process necessary to adapt it for medicinal use in accordance with the requirement of the British Pharmacopoeia, whether in powder form or granulated or is in any other form, and whether it is or is not mixed with neutral substances,

CAP 251

(u) "medical practitioner" means a person who is registered as such under the Medical Practitioners Registration Act;

(v) "Minister" means the Minister for the time being charged with responsibility for narcotics control.

(w) "morphine" means the principal alkaloid of opium having the chemical formula C_{17} H_{19} NO_3;

(x) "opium poppy" means the plant of the species *Papaver somniferum L*;

(y) "opium" means—

(a) the coagulated juice of the opium poppy; and

(b) any mixture, with or without any neutral material, of the coagulated juice of the opium poppy, but does not include any preparation containing not more than 0.2 per centum of morphine;

(z) "poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;

(aa) "prepared opium" means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked;

(bb) "prescribed" means prescribed by the rules or regulations made under this Act;

(cc) "proceeds of drug trafficking" means any payments or other rewards, including real or personal property of every description, received by a person at any time in connection with drug trafficking carried on by him or another or in both that connection and in some other connection and such payments

or other rewards include the following so received, that is to say—

(a) deeds and instruments relating to or evidence of title or right to property, or giving a right to recover money, goods or real estate, or any order or other security that entitles or evidences the title of any person—

(i) to share an interest in a public stock or fund or in any share or interest of or in a society or company whether incorporated or unincorporated; or

(ii) to a deposit in any bank;

(b) a document of title to lands, goods or other property wherever situated, money or other valuable security issued by any Government, any chose-in-action, or any credit evidencing an interest in property;

(dd) "person lawfully conducting retail pharmacy business" means a person lawfully conducting such a business in accordance with the Chemists and Druggists Act; CAP. 244.

(ee) "produce", where the reference is to produce a controlled drug, means producing it by manufacture, cultivation or any other method, and "production" has a corresponding meaning;

(ff) "raw opium" includes powdered or granulated opium but does not include medicinal opium;

(gg) "supplying" includes distributing;

(hh) "veterinary practitioner" means any person in Belize holding a qualification entitling him to practise as a veterinary surgeon in any part of the Commonwealth, or any person who within Belize, with the approval of the Minister responsible for veterinary services, is engaged in the practice and profession of veterinary surgery.

(2) References in this Act to misusing a drug are references to misusing it by taking it; and the reference in the foregoing provision to the taking of a drug is a reference to the taking of it by a human being by way of any form of self administration, whether or not involving assistance by another.

(3) For the purposes of this Act the things which a person has in his possession shall be taken to include anything subject to his control which is in the custody of another.

PART II
NATIONAL DRUG ABUSE CONTROL COUNCIL

The National Drug Abuse Control Council. First Schedule.

3.—(1) There shall be constituted in accordance with the First Schedule a Council to be called the National Drug Abuse Control Council of Belize, for the prevention of misuse of drugs.

(2) It shall be the duty of the Council to keep under review the situation in Belize with respect to drugs which are being or appear to them likely to be misused and of which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem, and to give to the Minister, where either the Council consider it expedient to do so or they are consulted by the Minister, advice on measures (whether or not involving alteration of the Law) which in the opinion of the Council ought to be taken for preventing the misuse of such drugs or dealing with social problems connected with their misuse, and in particular on measures which in the opinion of the Council, ought to be taken—

(a) for restricting the availability of such drugs or supervising the arrangements for their supply;

(b) for enabling persons affected by the misuse of such drugs to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and after-care of such persons;

(c) for promoting co-operation between the various professional and community services which in the opinion of the Council have a part to play in the dealing with social problems connected with the misuse of such drugs;

(d) for educating the public (and in particular the young) in the dangers of misusing such drugs, and for giving publicity to these dangers; and

(e) for promoting research into, or otherwise obtaining information about, any matter which in the opinion of the Council, is of relevance for the purpose of preventing the misuse of such drugs or dealing with any social problem connected with their misuse;

(f) to give advice to farmers, in consultation with the Ministry of Agriculture, on possible alternative crops in areas where controlled drugs are known or suspected to be under cultivation.

(3) It shall also be the duty of the Council to consider any matter relating to drug dependence or the misuse of drugs which may be referred to them by the Minister and to advise the Minister thereon.

PART III
CONTROLLED DRUGS AND THEIR CLASSIFICATION

Controlled drugs and their classifications.

4.- (1) In this Act —

(a) the expression "controlled drugs" means any substance or product for the time being specified in Part I, II, or III of the Second Schedule; and

Second Schedule.

(b) the expressions "Class A drug", "Class B drug" and "Class C drug" mean any of the substances and products for the time being specified respectively in Part I, Part II and Part III of that Schedule.

(2) The Minister may after consultation with or on the recommendation of the Council by order published in the *Gazette* make such amendments to the Second Schedule as may be requisite for the purpose of adding any substance or product, to, or removing any substance or product from, any of Parts I to III of that Schedule.

PART IV
RESTRICTIONS RELATING TO CONTROLLED DRUGS ETC.

Restriction on importation and exportation of controlled drugs.

5.—(1) Subject to sub-section (2)—

(a) the importation of a controlled drug; and

(b) the exportation of a controlled drug;

are hereby prohibited.

(2) Sub-section (1) does not apply—

(a) to the importation or exportation of a controlled drug which is for the time being excepted from paragraph *(a)* or, as the case may be, paragraph *(b)* of sub-section (1) by regulations under Section 9; or

(b) to the importation or exportation of a controlled drug under and in accordance with the terms of a licence issued by the Minister and in compliance with any conditions attached thereto.

(3) Any person who imports or exports controlled drugs contrary to sub-section (1) is guilty of an offence and shall be liable on conviction therefor to the penalties laid down in Section 17 for a drug trafficking offence.

Restriction on production and supply of controlled drugs.

6.—(1) Subject to any regulations under Section 9 for the time being in force, it shall not be lawful for a person —

(a) to produce a controlled drug; or

(b) to supply or offer to supply a controlled drug to another.

(2) Subject to Section 45, it is an offence for a person —

(a) to produce a controlled drug in contravention of sub-section (1); or

(b) to be concerned in the production of such a drug by another.

(3) Subject to Section 45, it is an offence for a person —

(a) to supply or offer to supply a controlled drug to another in contravention of sub-section (1) ; or

(b) to be concerned in the supply of such a drug to another in contravention of sub-section (1); or

(c) to be concerned in the making to another, in contravention of sub-section (1) of an offer to supply such a drug.

(4) A person guilty of an offence under sub-section (2) or (3) above shall be liable on conviction therefor to the penalties laid down in Section 17 for a drug trafficking offence.

Restriction on possession of controlled drugs.

7.—(1) Subject to any regulations under Section 9 for the time being in force, it shall not be lawful for a person to have a controlled drug in his possession.

(2) Subject to sub-section (5) below and to Section 45, it is an offence for a person to have a controlled drug in his possession in contravention of sub-section (1).

(3) Subject to Section 45, it is an offence for a person to have a controlled drug in his possession, whether lawfully or not, with intent to supply it to another in contravention of Section 6 (1).

(4) Subject to sub-section (1), a person found in possession of the following controlled drugs in quantities of more than —

(a) two grammes of diacetylmorphine (heroin);

(b) one gramme of cocaine;

(c) thirty grammes of opium;

(d) three grammes of morphine; or

(e) sixty grammes of cannabis or cannabis resin;

shall be deemed to be in possession of such controlled drug for the purpose of supplying it to another for drug trafficking in contravention of Section 6 (1) unless the contrary is proved, the burden of proof being on the accused.

(5) Where any drug to which this Act applies is found in any premises occupied by more than one person, such drug shall be deemed to be in the joint possession of all such persons and it shall be for the said person or persons to prove that it was there without his or their knowledge or consent; and for the purposes of this Act, occupation of any premises may be real or constructive.

(6) A person guilty of a drug trafficking offence under this section shall be liable to penalties laid down for a drug trafficking offence in Section 17, and for any other offence, to the penalties laid down in Section 27.

Restriction on cultivation of cannabis, opium poppy and coca plants.

8.—(1) Subject to any regulations under Section 9 for the time being in force, it shall not be lawful for a person to cultivate any plant of the genus *cannabis*, *Papaver somniferum L* or *Erythroxylon*.

(2) Subject to Section 45, it is an offence punishable under Sections 17, to cultivate any such plant in contravention of sub-section (1).

Authorization of activities otherwise unlawful under Sections 5, 6 and 7.

9.—(1) The Minister may by regulations exclude or except from Sections 5, 6 and 7 such controlled drugs as may be specified in the regulations.

(2) Subject to sub-section (3), the Minister shall so exercise his powers to make regulations under sub-section (1) as to secure—

(a) that it is not unlawful under Section 6 (1) for a medical practitioner, dentist or veterinary practitioner acting in his capacity as such, to prescribe, administer, manufacture, compound or supply a controlled drug, or for a chemist and druggist acting in his capacity as such, to manufacture, compound or supply a controlled drug; and

(b) that it is not unlawful under Section 7 (1) for a medical practitioner, dentist, veterinary practitioner, or chemist and druggist to have a controlled drug in his possession for the purpose of acting in his capacity as such.

(3) If in the case of a controlled drug the Minister is of the opinion that it is in the public interest—

(a) for production, supply and possession of that drug to be either wholly unlawful or unlawful except for purposes of research or other special purposes; or

(b) for it to be unlawful for medical practitioners, dentists, chemists and druggists and veterinary practitioners to do so in relation to that drug any of the things mentioned in sub-section (2) except under a licence or other authority issued by the Minister,

he may by order designate that drug as a drug to which this sub-section applies and whilst there is in force an order under this sub-section designating a controlled drug as one to which this sub-section applies, sub-section (2) shall not apply as regards that drug.

(4) An order made under sub-section (3) shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

(5) The Minister shall not make any order under sub-section (3) except after consultation with or on the recommendation of the Council.

(6) References in this section to a person's "doing" things include references to his having things in his possession.

Occupiers etc. of premises to be punishable for permitting certain activities to take place there.

10.—(1) A person commits an offence if, being the occupier concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises, that is to say—

(a) producing or attempting to produce a controlled drug in contravention of Section 6 (1);

(b) supplying or attempting to supply a controlled drug to another in contravention of Section 6 (1), or offering to supply a con-

trolled drug to another in contravention of Section 6 (1);

(c) preparing cannabis, cannabis resin or opium for smoking;

(d) smoking cannabis, cannabis resin or prepared opium;

(e) smoking or otherwise using cocaine.

(2) A person guilty of an offence under sub-section (1) above shall be liable on conviction therefor to the penalties prescribed for a drug trafficking offence under Section 17.

Prohibition of certain activities etc. relating to certain drugs.

11. Subject to Section 45, it is an offence for a person—

(a) to smoke or otherwise use prepared opium, or cocaine or heroin or cannabis; or

(b) to have in his possession—

(i) any pipes or other utensils made or adapted for use in connection with the smoking of opium, cocaine or heroin or cannabis, being pipes or utensils which have been used by him or with his knowledge and permission in that connection; or

(ii) any utensils which have been used by him or with his knowledge and permission in that connection with the preparation of opium, cocaine, heroin or cannabis for smoking.

PART V

POWERS OF MINISTER FOR PREVENTING MISUSE OF CONTROLLED DRUGS

Power to make regulations for preventing misuse of controlled drugs.

12.—(1) Subject to the provisions of this Act, the Minister may by regulations make such provision as appears to him necessary or expedient for preventing the misuse of controlled drugs.

(2) Without prejudice to the generality of subsection (1) above, regulations under this section may in particular make provision—

(a) for requiring precautions to be taken for the safe custody of controlled drugs;

(b) for imposing requirements as to the documentation of transactions involving controlled drugs, and for requiring copies of documents relating to such transactions to be furnished to the prescribed authority;

(c) for requiring the keeping of records and the furnishing of information with respect to controlled drugs in such circumstances and in such manner as may be prescribed;

(d) for the inspection of any precautions taken or records kept in pursuance of regulations under this section,

(e) for the packaging and labelling of controlled drugs;

(f) for regulating the transport of controlled drugs and the methods used for destroying or otherwise disposing of such drugs when no longer required;

(g) for regulating the issue of prescriptions containing controlled drugs and the supply of controlled drugs on prescriptions and for

requiring persons issuing or dispensing prescriptions containing such drugs to furnish to the prescribed authority such information relating to those prescriptions as may be prescribed;

(h) for requiring any medical practitioner who attends to any person whom he considers, or has reasonable grounds to suspect, is addicted (within the meaning of the regulations) to controlled drugs of any description to furnish to the prescribed authority such particulars with respect to that person as may be prescribed;

(i) for prohibiting any medical practitioner from administering, supplying and authorising the administration and supply to persons so addicted, and from prescribing for such persons, such controlled drugs as may be prescribed, except under and in accordance with the terms of a licence issued by the Minister in pursuance of the regulations.

Power to direct special precautions for safe custody of controlled drugs.

13.—(1) Without prejudice to any requirement imposed by regulations made in pursuance of Section 12 (2) *(a)* of this Act, the Minister may by notice in writing served on the occupier of any premises on which controlled drugs are or are proposed to be kept give directions as to the taking of precautions or further precautions for the safe custody of any controlled drugs of a description specified in the notice which are or are proposed to be kept on those premises.

(2) It is an offence to contravene any directions given under sub-section (1) above.

Directions prohibiting prescribing, supplying etc. of controlled drugs by medical practitioners etc. convicted of certain offences.

14.—(1) Where a person who is a medical practitioner or chemist and druggist has, after the coming into operation of this sub-section, been convicted of an offence under this Act or any enactment repealed by this Act, the Minister may give a direction in writing under sub-section (2) in respect of that person.

(2) A direction under this sub-section in respect of a person shall—

(a) if that person is a medical practitioner, be a direction prohibiting him from having in his possession, prescribing, administering, manufacturing, compounding and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction;

(b) if that person is a chemist and druggist, be a direction prohibiting him from having in his possession, manufacturing, compounding and supplying and from supervising and controlling the manufacture, compounding and supply of such controlled drugs as may be specified in the direction.

(3) The Minister may at any time give a direction cancelling or suspending any direction given by him under sub-section (2) above, or cancelling any direction of his under this sub-section by which a direction so given is suspended.

(4) The Minister shall cause a copy of any direction given by him under this section to be served on the person to whom it applies, and shall cause notice of any such direction to be published in the *Gazette*.

(5) A direction under this section shall take effect when a copy of it is served on the person to whom it applies.

(6) It is an offence to contravene a direction given under sub-section (2) above.

Directions prohibiting prescribing, supply etc. of controlled drugs by practitioners in other cases.

15.—(1) In the event of a contravention by a medical practitioner of regulations made in pursuance of paragraphs *(h)* or *(i)* of Section 12 (2) of this Act, or of the terms of a licence issued under regulations made in pursuance of the said paragraph *(i)*, the Minister may give a direction in respect of the medical practitioner concerned prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction.

(2) If the Minister is of the opinion that a medical practitioner is or has after the coming into operation of this sub-section been prescribing, administering or supplying or authorising the administration or supply of any controlled drugs in an irresponsible manner, the Minister may, after consultation with the Council, give a direction in respect of the medical practitioner concerned prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the same direction.

(3) A contravention such as is mentioned in sub-section (1) above does not, as such, constitute an offence, but it is an offence to contravene a direction given under sub-section (1) or (2) above.

Power to obtain information from medical practitioners etc. in certain circumstances.

16.—(1) If it appears to the Minister that there exists in any area in Belize a social problem caused by the extensive misuse of dangerous or otherwise harmful drugs in that area, he may by notice in writing served on any medical practitioner or chemist and druggist practising in or in the vicinity of that area, or on any person lawfully

conducting a retail pharmacy business at any premises situated in or in the vicinity of that area, require him to furnish to the Minister, with respect to any such drugs specified in the notice and as regards any period so specified, such particulars as may be so specified relating to the quantities in which and the number and frequency of the occasions on which those drugs—

(a) in the case of a medical practitioner, were prescribed, administered or supplied by him;

(b) in the case of a chemist and druggist, were supplied by him; or

(c) in the case of a person conducting a retail pharmacy business, were supplied in the course of that business at any premises so situated which may be specified in the notice.

(2) A notice under sub-section (1) may require any such particulars to be furnished in such manner and within such time as may be specified in the notice and, if served on a chemist and druggist or person conducting a retail pharmacy business, may require him to furnish the names and addresses of medical practitioners on whose prescriptions any dangerous or otherwise harmful drugs to which the notice relates were supplied, but shall not require any person to furnish any particulars relating to the identity of any person for or to whom any such drug has been prescribed, administered or supplied.

(3) A person commits an offence if without reasonable excuse (proof of which shall lie on him) he fails to comply with any requirements to which he is subject by virtue of sub-section (1) above.

(4) A person commits an offence if in purported compliance with a requirement imposed under this section he gives any information which he knows to be false in a material particular or recklessly gives any information which is so false.

PART VI

DRUG TRAFFICKING

Drug trafficking

17.—(1) A person who commits the offence of drug trafficking or of being in possession of a controlled drug for the purpose of drug trafficking is liable—

(a) on summary conviction—

(i) to a fine which shall not be less than twenty five thousand dollars but which may extend to one hundred thousand dollars or, where there is evidence of the street value of the controlled drug, of three times the street value of the controlled drug, whichever is the greater; or

(ii) to imprisonment for a term which shall not be less than five years but which may extend to ten years; or

(iii) to both such fine and such imprisonment:

Provided that where a public officer or official, a member of the National Assembly or the Judiciary, a police officer or a member of the Belize Defence Force commits the offence of drug trafficking, or aids, abets, facilitates or promotes the commission of any such offence, or in any way obstructs or interferes with the prosecution of such offence, he shall be punishable with imprisonment for a term which shall not be less than five years *and* shall also be liable to a fine which shall not be less than twenty five thousand dollars;

(b) on conviction on indictment—

(i) to a fine which shall not be less than one hundred thousand dollars but which may extend to five hundred thousand dollars or, where there is evidence of the street

value of the controlled drug, of three times the street value of the controlled drug, whichever is the greater; or

(ii) to imprisonment for a term which shall not be less than seven years but which may extend to fourteen years; or

(iii) to both such fine and such imprisonment:

Provided that where a public officer or official, a member of the National Assembly or the Judiciary, a police officer or a member of the Belize Defence Force commits the offence of drug trafficking, or aids, abets, facilitates or promotes the commission of any such offence, or in any way obstructs or interferes with the prosecution of such offence, he shall be punishable with imprisonment for a term which shall not be less than seven years and shall also be liable to a fine which shall not be less than one hundred thousand dollars.

(2) Subject to any regulations under Section 9 for the time being in force, a person found in possession of a controlled drug in any school premises, or any other places of education or training or any centre for the rehabilitation of drug addicts, or in the immediate vicinity of any such premises, is deemed to have the controlled drug for the purpose of drug trafficking unless the contrary is proved, the burden of proof being on the accused.

(3) In sub-section (2), "premises" includes buildings, playing fields or other premises established, maintained or used by a school or other institution for the benefit of its students or inmates, whether or not such buildings, playing fields or other premises are within the curtilage of the school or institution.

Assisting another to retain the benefit of drug trafficking

18.—(1) If a person enters into or is otherwise concerned in an arrangement whereby—

(a) the retention of control by or on behalf of another (call him "A") of the proceeds of drug trafficking by A is facilitated (whether by concealment, removal from the jurisdiction, transfer to nominees or otherwise); or

(b) the proceeds of drug trafficking by A—

(i) are used to secure that funds are placed at A's disposal, or

(ii) are used for A's benefit to acquire property by way of investment;

knowing or having reasonable grounds to believe that A is a person who carries on or has carried on drug trafficking (proof whereof shall be on the prosecution), he is guilty of an offence and shall be liable on conviction therefor to the penalties prescribed in Section 17 for a drug trafficking offence.

(2) In this section, references to the proceeds of drug trafficking by any person include a reference to any property which in whole or in part directly or indirectly represented in his hands the proceeds of drug trafficking by him.

(3) Where a person discloses to a police officer a suspicion or belief that any funds or investments are derived from or used in connection with drug trafficking or any matter on which such a suspicion or belief is based—

(a) the disclosure shall not be treated as a breach of any restriction upon the disclosure of information imposed by contract; and

(b) if he does any act in contravention of subsection (1) above and the disclosure relates to the arrangement concerned, he does not

commit an offence under this section if the disclosure is made in accordance with this paragraph, that is—

(i) it is made before he does the act concerned, being an act done with the consent of the police officer; or

(ii) it is made after he does the act, but is made on his initiative and as soon as it is reasonable for him to make it.

PART VII
MISCELLANEOUS OFFENCES AND POWERS

Miscellaneous offences.

19.—(1) It is an offence for a person to contravene any regulations made under this Act other than regulations made in pursuance of Section 12 (2) *(h)* or *(i)*.

(2) It is an offence for a person to contravene a condition or other term of a licence issued under Section 5 or of a licence or other authority issued under regulations made under this Act, not being a licence issued under regulations made in pursuance of Section 12 (2) *(i)*.

(3) A person commits an offence if, in purported compliance with any obligation to give information to which he is subject under or by virtue of regulations made under this Act, he gives any information which he knows to be false in a material particular or recklessly gives any information which is so false.

(4) A person commits an offence if, for the purpose of obtaining, whether for himself or another, the issue or renewal of a licence or other authority under this Act or under any regulations made under this Act, he—

(a) makes any statement or gives any information which he knows to be false in a material particular or recklessly gives any information which is so false; or

(b) produces or otherwise makes use of any book, record or other document which to his knowledge contains any statement or information which he knows to be false in a material particular.

Attempts etc. to commit offences.

20. It is an offence for a person to attempt to commit an offence under any other provision of this Act or to incite or attempt to incite another to commit such an offence.

Assisting in or inducing commission outside Belize of offence punishable under corresponding law.

21. A person commits an offence if in Belize he assists in or induces the commission in any place outside Belize of an offence punishable under the provisions of a corresponding law in force in that place.

Offences by Corporation.

22. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against accordingly.

Further powers to make regulations.

23. The Minister may by regulations make provision—

(a) for excluding in such cases as may be prescribed the application of any provision of this Act which creates an offence;

(b) for the application of any provisions of this Act or regulations or orders thereunder to servants or agents of the Government of Belize, subject to such exceptions, adaptations and modifications as may be prescribed;

(c) for the disposal or destruction of controlled drugs seized or forfeited under this Act, whether or not under a court order.

PART VIII

LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

Powers to search & obtain evidence.

24.—(1) A member of the Police Force or other person authorised in that behalf by a general or special order of the Commissioner of Police shall, for the purposes of the execution of this Act, have power to enter the premises of a person carrying on business as a producer or supplier of any controlled drugs and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

(2) If a member of the Police Force has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Act, or of any regulations made thereunder, the member of the Police Force may, subject to sub-section (3) —

(a) search that person, and detain him for the purpose of searching him;

(b) search any ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description in which the member of the Police Force suspects that the drug may be found, or which has been used or employed in the commission or attempted commission of any such offence, and for that purpose require the person in control of the ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description to stop it;

(c) seize and detain for the purpose of proceedings under this Act—

(i) anything found in the course of the search which appears to the member of the Police Force to be evidence of an offence under this Act; and

(ii) any ship, vessel, boat, aircraft, vehicle or other means of conveyance, stopped under paragraph (b) in pursuance of his search.

(3) Nothing in sub-section (2) shall derogate from any power of search or any power to seize or detain property which is otherwise exercisable by a member of the Police Force.

(4) If a magistrate in the case of paragraph *(a)* of this subsection, or a Judge of the Supreme Court in the case of paragraph *(b)* of this subsection, is satisfied by information on oath that there is reasonable ground for suspecting —

(a) that any controlled drug is, in contravention of this Act or of any regulations made thereunder, in the possession of a person on any premises or in any place; or

(b) that a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under this Act, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside Belize, an offence against the provisions of a corresponding law in force in that place, is in possession of a person on any premises or in any place;

he may issue a warrant authorising any member of the Police Force at any time or times within one month from

the date of issue of the warrant, to enter, if need be by force, the premises or place named in the warrant, and to search such premises or place and any persons found therein and, if there is reasonable ground for suspecting that an offence under this Act has been committed in relation to any controlled drugs found on the premises or place or in the possession of any such person, or that a document so found is such a document as is mentioned in paragraph *(b)*, to seize and detain those drugs or that document, as the case may be.

(5) A person commits an offence if he—

(a) intentionally obstructs a person in the exercise of his powers under this section; or

(b) being the person in control of the ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description, fails to stop it when required to do so by a member of the Police Force under sub-section (2) *(b)*; or

(c) being a person being conveyed in a ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description, prevents or intimidates the person operating the ship, vessel, aircraft, vehicle or other means of conveyance of any description from stopping when required to do so by a member of the Police Force under sub-section (2) *(b)*; or

(d) without the permission of the member of the Police Force concerned, leaves a ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description which has been stopped by a member of the Police Force under sub-section (2) *(b)*; or

(e) conceals from a person acting in the exercise of his powers under sub-section (1) above

any such books, documents, stocks or drugs as are mentioned in that sub-section; or

(f) without reasonable excuse (proof of which shall lie on him), fails to produce any such books or documents as are so mentioned where their production is demanded by a person in the exercise of his powers under that sub-section.

(6) Any person acting under the warrant granted under sub-section (4) above, shall not be liable to any suit or other proceeding for seizing or detaining any of the articles which he is entitled to seize or detain by virtue of the said warrant.

Arrest without warrant

25.—(1) A member of the Police Force may arrest without warrant any person who has committed or is about to commit, or whom a member of the Police Force, with reasonable cause, suspects to have committed or to be about to commit, an offence under this Act.

(2) Where any controlled drug is found on any premises searched under Section 24 (1), or in any ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description stopped under Section 24 (2), the member of the Police Force who has made the search or stopped the ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description, as the case may be, may arrest without warrant any person in such premises or in such ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description whom he has reason to believe to be guilty of an offence under this Act.

(3) This section shall not prejudice any power of arrest conferred by law apart from this section.

(4) Reference to an offence in this section means any offence under this Act or any regulations made thereunder.

Committal to the Supreme Court for sentence.

26.—(1) Where on the summary trial of an offence committed under this Act and triable either summarily or on indictment, a person who is not less than eighteen years of age is convicted of the offence, then, if on obtaining information that his character and antecedents are such that in the opinion of the Magistrate greater punishment should be inflicted for the offence than the Magistrate has power to inflict, the Magistrate may commit that person in custody to the Supreme Court for sentence and shall, as soon as practicable, transmit to the Registrar of the Supreme Court the record of the proceedings.

(2) On receipt of the record, the Registrar of the Supreme Court shall issue an order to the gaoler to bring the convicted person before a Judge of the Supreme Court at a time to be fixed by the Judge of the Supreme Court.

(3) The Judge of the Supreme Court shall enquire into the circumstances of the case and shall have power to deal with the convicted person as if he had just been convicted of the offence on indictment before the Supreme Court.

Prosecution and punishment of offences.

27.—(1) Except where expressly otherwise provided, the Third Schedule shall have effect, in accordance with sub-section (2) below, with respect to the way in which offences under this Act are punishable on conviction.

(2) In relation to an offence under a provision of this Act specified in the first column of the Third Schedule

(the general nature of the offence being described in the second column)—

(a) the third column shows whether an offence is punishable on summary conviction or on indictment or in either way;

(b) the fourth, fifth and sixth columns show respectively the punishments which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column, (that is to say, summarily or on indictment) according to whether the controlled drug in relation to which the offence was committed was a Class A drug, a Class B drug or a Class C drug; and

(c) the seventh column shows the punishments which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment), whether or not the offence was committed in relation to a controlled drug, and if it was so committed, irrespective of whether the drug was a Class A drug, a Class B drug or a Class C drug;

and in the fourth, fifth, sixth and seventh columns a reference to a period gives the maximum term of imprisonment and a reference to a sum of money the maximum fine.

(3) Subject to the provisions of this Act relating to drug trafficking, an offence under Section 20 of this Act shall be punishable on summary conviction, on indictment or in either way according to whether, under the Third Schedule, the substantive offence is punishable on sum-

mary conviction, on indictment or in either way; and the punishments which may be imposed on a person convicted of an offence under that section are the same as those which, under that Schedule, may be imposed on a person convicted of the substantive offence.

(4) In sub-section (3) "the substantive offence" means the offence under this Act to which the attempt or, as the case may be, the incitement or attempted incitement mentioned in Section 20 was directed.

(5) Notwithstanding anything contained in the Summary Jurisdiction (Procedure) Act or any other enactment, a magistrate's court may try on information or on complaint an offence under this Act if the information or complaint was laid, or, as the case may be, made at any time within 24 months from the commission of the offence. CAP. 100.

(6) Notwithstanding anything contained in this Act, in the case of an offence under this Act other than a drug trafficking offence, where the convicted person is a first time offender and is proved to be addicted to drugs, the court shall pass a suspended sentence and refer the convicted person to a drug rehabilitation centre for treatment on the condition that if such person shall leave the rehabilitation centre before the completion of the treatment, or shall otherwise misbehave, he shall be required to serve the sentence passed on him.

PART IX

FORFEITURE AND OTHER DISPOSAL OF AIRCRAFT, VEHICLE, VESSEL, ETC.

Forfeiture of means of conveyance and other articles relating to the offence.

28.—(1) Where a person is convicted of an offence or of an attempt to commit an offence or of soliciting or inciting the commission of an offence under this Act and the court by which such person is convicted finds that any aircraft, vessel, vehicle or any other means of conveyance of whatever description was used or employed by such person in the commission or to facilitate the commission of the offence of which he is convicted, such aircraft, vessel, vehicle or other means of conveyance of whatever description shall be forfeited.

(2) Without prejudice to sub-section (1) above, where a person is convicted of an offence under this Act, the court shall, in passing sentence, order forfeiture to the Government of Belize, of any article, money or other valuable consideration relating to the offence.

(3) The owner of any aircraft, vessel, vehicle or any other means of conveyance of whatever description in respect of which an order of forfeiture has been made under sub-section (1) shall have the right of appeal of an accused person and may appeal to the court to which the appeals normally lie from the decisions of the court which made the order of forfeiture.

(4) Where any substance, article, vehicle, vessel, boat, aircraft or any other means of conveyance of whatever description is seized and detained by a member of the Police Force under Section 24(2) (c), a magistrate shall, upon the written application of the Commissioner of Police, or of an officer authorised by the Commissioner, made after the expiry of 30 days, inquire into the circumstances in which such substance, article, vehicle, vessel,

boat, aircraft or other means of conveyance of whatever description was seized and detained and shall determine whether or not an offence against this Act has been committed in respect of it and whether or not it was used or employed in the commission or attempted commission of any such offence; and if the magistrate so determines, such substance, article, vehicle, vessel, aircraft or any other means of conveyance of whatever description shall be forfeited.

(5) For the purposes of this section, "aircraft", "vessel" and "vehicle" respectively include everything contained in, being on or attached to any aircraft, vessel or vehicle as the case may be, which, in the opinion of the court, forms part of the equipment of such aircraft, vessel or vehicle.

(6) The proceeds of forfeitures made under this section and under section 29 (other than controlled drugs) may be—

(i) applied to the treatment and rehabilitation of persons addicted (within the meaning of the regulations) to controlled drugs of any description;

(ii) applied to the use of the National Drug Abuse Control Council for the performance of its functions under this Act; and

(iii) made available to the Police Force for the prevention and detection of offences under this Act:

Provided that not less than 25% of such proceeds in any year shall be applied for the purpose mentioned in *(iii)* above.

(7) Subject to any regulations made under this Act, controlled drugs under this section shall be destroyed or disposed of in accordance with the directions of the court, provided that a senior police officer designated by the Commissioner of Police shall be present at the time of such destruction or disposal.

(8) Where any person is discharged or acquitted of an offence against this Act, the court which tried the case may thereafter make such order as it thinks fit for the forfeiture and destruction or other disposal of all drugs, substances and articles in respect of which the said person was charged.

(9) At any stage of a criminal proceeding pending against an accused person, the court hearing the case may, on the written application of a police officer of or above the rank of assistant inspector, order the destruction or other disposal of all or any of the substances in respect of which the said person had been charged, if it is a controlled drug and if the court is of the opinion that this can be done consistently with the interests of justice.

(10) If, upon the application of any person (other than the accused person) prejudiced by a forfeiture order made under this Part, the court is satisfied that neither he nor his agent or servant knew or believed nor had reasonable grounds to believe that any such vehicle, vessel, boat, aircraft or any other means of conveyance, as the case may be, was being used or employed in the commission or attempted commission of any offence under this Act, the court may, upon such terms and conditions (if any) as it deems fit, revoke that order.

(11) An application under subsection (10) for the revocation of a forfeiture order shall be made either at the time when such order is made or within thirty days of the date of the order.